

COMPLIANCE HISTORY for the
Clean Harbors Aragonite, LLC
facility
(formerly Safety-Kleen (Aragonite), Inc.,
Laidlaw Environmental Services (Aragonite), Inc.,
and Aptus, Inc.)

Clean Harbors-Owner

ACTION: **NOTICE OF VIOLATION** issued March 31, 2003
ISSUES: Placing reactive sulfides into tank T-308
Failing to record in the PI system when the plant was on waste
Failing to record the location and movement history of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time; and failing to update the waste tracking system within two business days of making a transfer between tanks
Exceeding the direct burn feed rate limit
Accepting water reactive wastes
RESOLUTION: pending

Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued March 26, 2002
ISSUES: Filling the small sludge tank above the compliance level
Failing to ensure that wastes to be rejected do not remain on-site for more than 30 days
Failing to record the location of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time
Exceeding the sludge feed rate limit
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed September 12, 2002. It includes a penalty of \$5,900.00.

Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued June 1, 2001
ISSUES: Exceeding the permitted feed rate of cadmium to the incinerator
Storing used oil fuel (VFS Distillate) from the Safety-Kleen East Chicago facility in the fuel oil tank and burning it in the incinerator when the incinerator did not meet all of the operating conditions for burning hazardous waste
Failing to record the location of each container accepted in the container storage areas, and track these wastes in real time so that their location is known at any time
Accepting pyrophoric wastes
Placing incompatible wastes or materials in the same container and failing to document any evaluation of the compatibility of the absorbent with the liquid

Failing to immediately submit to the Executive Secretary a letter describing a manifest discrepancy which was not resolved within 15 days after receiving the waste, and describing any attempts to reconcile the discrepancy
Overfilling one of the direct burn vessels
Filling the small sludge tank to overflowing
Failing to limit the heat content of containers fed to the incinerator to 4.76 MMBtu
Failing to retain the data recorded by the PI archiving system for at least three years
Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at a pH of less than 6.2 in the second stage packed tower effluent

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed May 9, 2002. It includes a penalty of \$53,326.00. Since the violations occurred both prior to and after Safety-Kleen filing for Chapter 11 bankruptcy protection, the penalty is divided into two parts. A penalty \$5,814 for the post-petition violations will be paid within 60 days of entry into the Consent Order. A penalty of \$47,512 for the pre-petition violations will be resolved through the bankruptcy court when Safety-Kleen emerges from bankruptcy.

Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION and ORDER FOR COMPLIANCE** issued August 4, 2000
ISSUES: Using a bond to provide financial assurance for closure which exceeded the underwriting limitations of the surety issuing the bond without the necessary reinsurance agreements in place
Failing to re-establish other financial assurance for closure within the 60-day period after Frontier Insurance Company was no longer considered an acceptable surety
RESOLUTION: On August 25, 2000, Safety-Kleen entered into a Consent Agreement with EPA which allows an extended time frame for replacing the necessary financial assurance for closure. The state of Utah is a participating state in this Consent Agreement. The initial deadline for replacing financial assurance for closure was December 15, 2000, but was extended to February 28, 2001. The deadline for replacing financial assurance for closure was extended further by EPA to April 30, 2001. This deadline was extended again by EPA to September 30, 2001. Due to the events of September 11, 2001, the deadline was again extended by EPA to October 18, 2001. The deadline was again extended by EPA to November 30, 2001. Compliant financial assurance was later obtained and the issue resolved as of January 14, 2002.

Safety-Kleen-Owner

ACTION: **NOTICE OF VIOLATION** issued March 1, 1999
ISSUES: Placing waste into a tank which was not nitrogen blanketed
Exceeding the sludge feed rate limit and failing to accurately monitor and record the sludge feed rate
Failing to record the location of each container accepted in the container storage areas, and each bulk waste managed at the facility, and track these wastes in real time so that their location is known at any time

Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at the specified setpoints in the first stage packed tower liquid feed and the second stage packed tower effluent and by failing to correct any malfunctions of the automatic waste feed cut-off systems before restarting the incinerator

Making changes to the facility without following the specified procedures for modifying the permit.

Failing to have a test plan that was submitted to the Executive Secretary signed and certified as required

Failing to retain a copy of a manifest at the facility for at least three years

Failing to analyze the slag for methanol daily until analyses showed the treatment standards had been achieved for seven consecutive days after methanol was detected at a level above the treatment standards

Entering the wrong generator name, address, and phone number on manifests accompanying wastes shipped by Safety-Kleen (Aragonite), Inc. for off-site treatment, storage, or disposal

Failing to submit a certificate of hazardous waste liability insurance prior to the date of the policy expiration

Failing to maintain documentation to demonstrate that a batch of lab packs was approved

Failing to inform the generator in writing that they have the appropriate permits for, and will accept, the waste the generator is shipping when receiving hazardous waste from an off-site source

Failing to resolve discrepancies prior to accepting wastes and/or by failing to clearly document the resolution of discrepancies in the operating record

Exceeding the maximum stacking height of containers per pallet; failing to wrap or otherwise secure the containers to provide stability; and failing to place a barcode label on each container so that they could be tracked in the plant wide database

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed January 7, 2000. It includes a penalty of \$21,710.00.

[Laidlaw Environmental Services- Owner](#)

ACTION: **NOTICE OF VIOLATION** issued December 4, 1997

ISSUES: Failing to operate the facility to minimize the possibility of a fire or unplanned discharge of hazardous waste constituents into the air which could threaten the environment or human health

Failing to adjust the closure cost estimate for inflation and submit a copy of that adjusted closure cost estimate to the Executive Secretary within the required time frames, and by failing to increase the amount of the letter of credit or obtain other financial assurance whenever the current closure cost estimate increases to an amount greater than the amount of the letter of credit

Exceeding the sludge feed rate limit

Failing to record the location of each container accepted in the container storage areas, and each bulk waste managed at the facility, and track these wastes in real time

Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at the specified setpoints (and associated delays if applicable) for afterburner chamber pressure, first stage scrubber feed pH, second stage scrubber feed pH, second stage scrubber effluent pH, afterburner oxygen concentration, spray dryer temperature, blend liquid feed rates, and aqueous feed rates

Managing containers of infectious waste that were not colored or labeled as required; storing infectious waste longer than seven days without refrigeration; and failing to treat or dispose of infectious waste within 30 days after collection from the generator

Failing to notify all persons on the facility mailing list for various modifications and a temporary authorization request within the required time frames; and by failing to notify the Executive Secretary concerning a modification within seven calendar days after the change was put into effect

Failing to document through a work order the repairs made to a malfunctioning level transmitter on a hazardous waste storage tank

Failing to monitor the fumes in the carbon canister system at the required frequency

Storing hazardous waste from a hazardous waste storage tank tanker trucks in areas not authorized in the permit

Failing to place all containers in the repack workstations into storage each day by the end of each shift

Failing to annually update a waste stream profile and failing to complete all of the required waste acceptance procedures prior to accepting wastes

Failing to verify the contents of lab packs by unpacking them and comparing the contents to the load inventory sheets

Failing to transfer the hazardous waste from a container which is not in good condition or begins to leak to a container that is in good condition, and by handling and/or storing containers of hazardous waste in a manner which may cause them to leak

Failing to label or mark each container accumulating hazardous waste with the words "A Hazardous Waste," failing to mark each container with the date upon which each period of accumulation began; failing to maintain containers holding hazardous waste closed except when it is necessary to add or remove waste; and accumulating hazardous waste for longer than 90 days in an area without a permit

Disposing of hazardous waste without a permit

Failing to maintain a current organization chart which specifies by name which person fills each job title listed in the Personnel Training Plan

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed December 4, 1998. It includes a penalty of \$58,385.

Rollins Environmental Services, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued December 11, 1996

ISSUES: Failing to operate the facility to minimize the possibility of a fire or unplanned discharge of hazardous waste constituents into the air which could threaten the environment or human health

Failing to record the location of each container in the container storage areas and track these wastes in real time

Failing to conduct and to document all of the required inspections; failing to inspect for all of the types of problems required; failing to provide acceptable criteria in the detailed written instructions for conducting the inspections; and failing to identify corrective actions performed when items were noted to be unacceptable

Failing to monitor the fumes in the carbon canister system at the required frequency

Failing to inform the generator in writing that they have the appropriate permits for, and will accept, the waste the generator is shipping when receiving hazardous waste from an off-site source

Storing hazardous waste in an unpermitted area east of the bulk solids tanks

Failing to unload a transport vehicle within ten days following arrival at the site
 Failing to maintain a firebreak around the entire facility and to maintain an emergency evacuation route for the facility through the east gate on the south fence
 Failing to maintain the level of tank T-312 at or below the compliance limit and for filling the tank to overflowing
 Accepting a prohibited waste (dry picric acid, a D.O.T. Division 1.1 explosive) and treating it without a permit; also, accepting trinitrobenzene sulfonic acid (a D.O.T. Division 1.1 explosive)
 Storing containers that have not been bar coded/accepted in a temporary storage area for longer than ten days
 Failing to sample containers under fume exhausters in buildings E-1 and E-5
 Managing containers of infectious waste that were not colored or labeled as required
 Failing to compare the actual load samples to the profile samples prior to accepting a load of waste
 Failing to identify the associated TC waste codes for a waste stream
 Failing to collect and analyze representative samples from waste streams prior to approving the waste streams for storage and/or treatment at the facility
 Failing to label or mark each container accumulating hazardous waste with the words "A Hazardous Waste," and by accumulating hazardous waste for longer than 90 days in an area without a permit

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed October 7, 1997. It includes a penalty of \$33,811.

[Rollins Environmental Services, Inc.-Owner](#)

ACTION: **NOTICE OF VIOLATION** issued September 18, 1995
ISSUES: Failing to maintain systems to automatically cut off hazardous waste feed to the incinerator at a pH of less than 6.2 in the first stage packed tower liquid feed and at a carbon monoxide rolling average concentration of greater than 100 ppm
 Accepting wastes that do not conform with the manifest and failing to draw a sample from as deep a cross section as possible at each location on bulk solids loads
 Failing to notify the Executive Secretary and submit, within the required time frames, a proposed time schedule for correcting a leak from the sludge tank system
 Failing to maintain a minimum of 2.5 feet of aisle space in the drum storage area
 Canceling or terminating the liability insurance without providing prior written notice to the Board within the required time frames
 Installing and using the one-inch stainless steel tubing from the aqueous waste feed line (header D) to the repack room in building E-4 without first obtaining authorization from the Executive Secretary of the Board through the permit modification process
 Failing to notify the Executive Secretary, within the required time frames, for the March 28, 1995 spill of hazardous waste from the C header to the ground near the carbon canister system, west of the tank farm
 Failing to maintain records to document that the applicable training has been given to each individual
 Failing to manage liquid removed from sump SP627 as a hazardous waste
 Stacking containers with a capacity of fifty gallons or greater more than one high in the receiving and holding area of building E-5; failing to stack containers in storage neatly

and/or wrap them to provide stability; and exceeding the capacity of 11,000 gallons in the receiving and holding area of building E-5

Exceeding the maximum allowable feed rates for antimony and lead

Failing to equip and maintain in good operating condition at the facility all the equipment set forth in Attachment II-5

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed June 10, 1996. It includes a penalty of \$40,320.

Rollins Environmental Services, Inc.-Owner

ACTION: **WARNING LETTER** issued April 7, 1995

ISSUES: Confined space permit not located at the entry to the work area; confined space work area not roped off; Several changes were made in the confined space permit without indication that the changes had been approved or communicated to all appropriate personnel; the job safety analysis specified continuous O₂/LEL monitoring, but was done only initially; the job safety analysis specified sliding clips to be used on the ropes to protect them from being cut, none were noted being used; both observers were noted to be performing other functions and there were times when neither of the observers was in visual contact with the entrant; the attendants' respirators were laying on the ground and hanging on the end of a pole

The combustion air pressure indicator for the kiln front wall is located upstream of the damper having apparently been moved from an earlier downstream location. This would allow the kiln secondary combustion air to be cut off by closing the damper without activating the automatic waste feed cut-off (since the pressure indicator is upstream of the damper)

The high level alarm was deactivated for Tank T-310 for an unknown period of time

A general lack of importance was noted being placed on the inspections performed on-site; lack of consistency on how inspection forms are being filled out; different opinions between inspectors on what constitutes an unsatisfactory status for the same or similar items; a tendency to not mark down deficiencies if the status has not changed over time; there is a perceived lack of knowledge on the part of the inspectors on what is the acceptable criteria for many items; there does not appear to be a consistent and timely procedure for following up on work orders and corrective action

Open containers without labels and dates were noted under hoods in the lab

Site-generated waste was transferred from a tank with a 30-day extension to the 90-day accumulation period, to a tank without the extension to the accumulation period

The maximum feed rate of solids to the kiln was exceeded

RESOLUTION: Issues satisfactorily resolved through a response from Aptus dated April 28, 1995 and subsequent permit modifications.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued December 20, 1994

ISSUES: Perimeter fence signs missing or obscured

Labeling, dating, and segregation requirements not being met for containers in the "A" aisles of the container storage buildings

Open containers in the container storage building

Failing to recognize necessary corrective action required during inspections, and not promptly performing corrective actions
Incinerating wastes carrying a waste code not allowed by the permit
Storing containerized waste bearing free liquid outside of bermed areas as specified in a temporary authorization

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed April 21, 1995. \$12,120 penalty paid May 15, 1995.

Westinghouse, Inc.-Owner

ACTION: **WARNING LETTER** issued September 8, 1994

ISSUES: Failure to label or mark each container accumulating hazardous waste with the words "Hazardous Waste"; failure to clearly mark each container with the date upon which each period of accumulation began; accumulation of hazardous waste for longer than 90 days without first submitting, and receiving approval of the Executive Secretary for, a hazardous waste operation plan for that facility
Site-generated wastes were not being subjected to the same waste analysis procedures as wastes accepted from off-site sources
Operating record requirements for wastes pumped from sumps to storage tanks were not being met
No response time tests were conducted in 1992 and 1993 for the CO and O₂ monitors
No RATA was conducted following installation of a new oxygen monitor on August 1, 1993
The Aptus Lakeville Laboratory lost their certification for RCRA metals and during this time metals data from the Lakeville lab was used by Aptus to make waste management decisions at the Aragonite facility
On two occasions Aptus operated the low range CO monitor in the high range mode while burning waste

RESOLUTION: Issues satisfactorily resolved through responses from Aptus dated October 7, 1994 and January 31, 1995.

Westinghouse, Inc.-Owner

ACTION: **WARNING LETTER** issued May 27, 1994

ISSUES: Temperature conditions in the laboratory were not acceptable
Laboratory personnel combining parts from several different methods to develop SOPs
Fume hoods in the laboratory not adequately venting with all the instruments and reagent bottles inside; several analyses being performed on the bench-top appear to be candidates for being done under a hood/ventilation system
The Quality Assurance function in the laboratory needs to be more independent from method development; more frequent internal data validation is necessary; more management oversight and review of daily workbooks is needed
Laboratory standards not being maintained with a consistent expiration period
Not all of the required laboratory QC requirements were being followed; not routinely analyzing method blanks and duplicates; method spikes/method spike duplicates need to be performed at the required frequency; tuning log and continuing calibration documentation must be maintained

The laboratory working standards and solutions do not have the necessary information on the label to properly identify the material
The laboratory refrigerator and freezer temperatures were not being properly maintained
The laboratory water system does not conform to Type I water specifications
The two shifts in the laboratory are not consistent in following protocol
There needs to be more interaction between the chemist and the field personnel so that the bench chemist knows the needs of field operations
Temperatures of samples at the time of analysis not being taken
Data from outside labs must be validated; these labs must use the same methods as are specified in the Waste Analysis Plan; outside labs must be Utah certified for the appropriate parameters and must submit sufficient QC information with each data package to allow for data validation
Many of the test methods in the Waste Analysis Plan are either not adequate or are not being performed as required
Excessive fugitive emissions being released to the atmosphere through an access on top of the deslagger chute
The door to bulk solids tank T404A was apparently not closed as soon as possible after unloading a truck; the door was still open while shredding operations were ongoing; questions raised about the adequacy of the ventilation system in the bulk solids building
Waste in the bulk solids tanks being piled much higher than the height of the walls of the tanks exceeding the permitted capacity
Daily sump inspection forms have been revised from those specified in the permit

RESOLUTION: Issues satisfactorily resolved through a response from Aptus dated June 27, 1994 and subsequent permit modifications.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued March 8, 1994

ISSUES: Failure to label or mark each container accumulating hazardous waste with the words "Hazardous Waste"; failure to clearly mark each container with the date upon which each period of accumulation began; accumulation of hazardous waste for longer than 90 days without first submitting, and receiving approval of the Executive Secretary for, a hazardous waste operation plan for that facility
Exceeding the maximum allowable arsenic, cadmium, chromium, and mercury feed rates to the incinerator
Failure to maintain the automatic waste feed cut-off system to automatically cut-off the waste feed at established setpoints for combustion air pressure, waste liquid pressure, and atomizing air pressure; failure to test, on a quarterly basis, the four signals (loss of flame, low combustion air pressure, low atomizing air pressure, and low waste liquid air pressure) which cause the Burner Management System on each burner to shut down, causing a waste feed cut-off
Failure to record in the operating record the date(s) of treatment of wastes and the location of each hazardous waste within the facility
Storing and/or incinerating wastes carrying waste codes not allowed by the permit
Failure to maintain a nitrogen blanket on the sludge storage tank
Failure to monitor and record the one hour rolling average concentration of carbon monoxide (CO) in the stack on a continuous basis

Failure to limit the feed rate of containerized waste to a maximum of 20 containers per hour;
 failure to limit the thermal input to the incineration system to 120×10^6 Btu per hour
 Failure to continuously monitor and record the feed rate of pumpable sludge; failure to
 monitor and record, on a periodic basis equal to the charging cycle, the feed rate of bulk
 solid wastes
 Failure to include in the notification to the treatment or storage facility, the corresponding
 treatment standards or the applicable five-letter treatment code when the treatment
 standards are expressed as specified technologies
 Failure to take manual LEL measurements at the bulk solids tanks, the sludge tank, and the
 "A" damper every three hours when fumes are not going to the kiln; failure to take and
 record manual PID (or equivalent) readings at the bulk solids tanks, the sludge tank, and
 the "A" damper every three hours and/or when unloading trucks, whichever is less, when
 the combustion air fans are off
 Failure to inspect the leak detection system of the bulk solids tank; failure to follow the
 inspection schedule found in the permit; failure to record that sumps were not empty;
 failure to empty sumps containing material within 24 hours
 Failure to maintain and operate monitoring equipment to measure the stack carbon
 monoxide level, corrected to 7% oxygen, while incinerating hazardous waste

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed June 16, 1994. \$70,000 penalty paid
 June 16, 1994.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued November 9, 1992
 ISSUES: Failure to maintain the level of the sludge storage tank at or below the compliance limit and
 for filling the sludge storage tank to overflowing
 Failure to perform the Tank Level Instrumentation Procedure for the sludge storage tank;
 failure to document in the Operating Record that these tests have been completed and the
 results obtained for tank T-302; failure to transfer enough of the liquid contents to
 another tank to lower the level to the maximum operating level following the completion
 of the Tank Level Instrumentation Procedure for tank T-302
 Failure to monitor the direct burn flowrate continuously during the trial burn
 Failure to label or mark each container accumulating hazardous waste with the words
 "Hazardous Waste"; failure to clearly mark each container with the date upon which each
 period of accumulation began; accumulation of hazardous waste for longer than 90 days
 without first submitting, and receiving approval of the Executive Secretary for, a
 hazardous waste operation plan for that facility
 Failure to change out the carbon canisters in the tank farm when the reading between the
 canisters exceeded 100 ppm; failure to use the correct form to record these carbon
 canisters readings
 Failure to have all reports submitted to the Executive Secretary signed as required
 Failure to conduct all of the required personnel training

RESOLUTION: Through formal correspondence from Aptus received December 23, 1992, each of issues
 identified in the November 9, 1992 **NOTICE OF VIOLATION** was satisfactorily
 resolved. No penalty was assessed in connection with this action.

Westinghouse, Inc.-Owner

ACTION: **NOTICE OF VIOLATION** issued July 22, 1992
ISSUES: No dates and/or labels on containers and open containers
Failure to test all of the required parameters in the automatic waste feed cut-off system
Failure to maintain the automatic waste feed cut-off system to automatically cut-off the hazardous waste feed to the incinerator at the specified setpoints
Exceeding the maximum specified turndown ratio
Incinerating wastes having waste codes not allowed by the Permit
Exceeding the maximum allowable arsenic feed rate to the incinerator
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed February 3, 1993. \$7500.00 penalty paid February 18, 1993.

[Westinghouse, Inc.-Owner](#)

ACTION: **NOTICE OF VIOLATION** issued April 22, 1991
ISSUES: No dates and/or labels on containers and open containers
Disposing of hazardous waste without a permit
Failure to use the analytical test method specified in the permit
Failure to have a completed profile for each waste stream managed at the facility and failure to follow the specified sampling strategy
RESOLUTION: **STIPULATION AND CONSENT ORDER** signed February 14, 1992. \$17,500 penalty paid February 28, 1992.

[Westinghouse, Inc.-Owner](#)

ACTION: **WARNING LETTER** issued January 22, 1991
ISSUES: Improper certification statement on permit submissions
RESOLUTION: Not Applicable